

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

IN THE MATTER OF:)
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Cedar Valley Electroplating L.L.C.,)
)
and)
)
R Squared Properties, L.L.C.)
)
)
Respondents)
)
)
Proceeding under Section 7003 of the)
Resource Conservation and Recovery)
Act as amended, 42 U.S.C. Section 6973)

Docket No. RCRA-07-2012-0015
UNILATERAL
ADMINISTRATIVE
ORDER

I. JURISDICTION AND PRELIMINARY STATEMENT

1. This Unilateral Administrative Order (Order) is issued to Cedar Valley Electroplating, L.L.C. (CVE), and R Squared Properties, L.L.C. (collectively, the Respondents). This Order is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by Section 7003(a) of the Solid Waste Disposal Act of 1976, commonly referred to as the Resource Conservation and Recovery Act, as amended by the Hazardous and Solid Waste Amendments of 1984 (RCRA), 42 U.S.C. § 6973(a). The authorities vested in the Administrator pursuant to RCRA have been delegated to the EPA Regional Administrators by EPA Delegation Nos. 8-22-A and 8-22-B, dated May 11, 1994, and further delegated to the EPA Region 7 Director of the Air and Waste Management Division by Regional Delegation Nos. R7-8-022-A and R7-8-022-B, dated January 1, 1995, and revised September 16, 2007.

II. STATEMENT OF PURPOSE

2. This Order concerns certain property located at 5611 Westminster Drive, Cedar Falls, Blackhawk County, Iowa, 50163, owned by R Squared Properties, L.L.C., upon which Cedar Valley Electroplating Co., operated a metal electroplating facility (the “Facility” or “Site”). The Order requires Respondents to (i) immediately comply with the requirements of RCRA and its implementing regulations; (ii) immediately identify and contain any leaking tanks, containers, or other vessels; (iii) identify all solid and hazardous wastes currently being treated, stored, or disposed at the Facility; (iv) restrict access to solid and hazardous wastes that have been stored and/or disposed at the Facility, and to areas where there has been a release of hazardous material within the Facility or otherwise on the 5611 Westminster Drive property; and (v) formulate a plan for the immediate clean-up of releases, investigation to determine off-site migration of waste, and clean-up of the building and any surrounding areas that may have been contaminated by the releases.

III. PARTIES BOUND

3. This Order applies to and is binding upon the Respondents and Respondent’s officers, directors, employees, agents, heirs, successors, assigns, trustees, receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondent, as well as upon subsequent purchasers of the Facility. Respondents are jointly and severally responsible for carrying out all actions required of them in this Order.

4. Respondents shall provide a copy of this Order to any subsequent owners or successors before a controlling interest in ownership rights, stocks, assets or the Facility is transferred.

5. Any change in ownership, corporate, or trust status of Respondents including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondents' responsibilities under this Order.

6. Respondents shall ensure that their contractors, subcontractors, and representatives receive a copy of this Order and comply with this Order. Respondents shall ensure that their contractors, subcontractors, laboratories, and consultants comply with this Order and shall be responsible for any noncompliance with this Order.

7. Not later than 60 days prior to any voluntary transfer by Respondents of any interest in the Facility or operation of the facility, Respondents shall notify EPA of the proposed transfer. In the case of a voluntary transfer through bankruptcy, Respondents shall notify EPA within 24 hours of the decision to transfer the property or operation. Respondents shall notify EPA of any involuntary transfers immediately upon Respondents' initial receipt of notice of any involuntary transfer. Not later than three (3) days after any transfer, Respondents shall submit copies of the transfer documents to EPA.

IV. FINDINGS OF FACT

8. Respondents are Cedar Valley Electroplating ("CVE" or "operator") and R Squared Properties, L.L.C. ("owner") (collectively "Respondents"). Both Respondents are corporations authorized to conduct business in the State of Iowa and are "persons" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

9. The property at 5611 Westminster Drive, Cedar Falls, Iowa is owned by R Squared Properties, L.L.C.

10. CVE is an Iowa corporation that operated an electroplating facility at 5611 Westminster Drive, Cedar Falls, Blackhawk County, Iowa, 50613 ("Facility" or "Site").

11. On or about May 18, 2006, CVE notified the EPA that it is a small quantity generator of hazardous waste. Small quantity generators of hazardous waste generate more than 100 kilograms and less than 1,000 kilograms of hazardous waste per month.

12. CVE has been assigned the following EPA ID Number: IAR000506436.

13. The Facility has been used for electroplating activities since the mid 1990s. During its operations, CVE electroplated zinc on carbon steel parts. The Facility includes a rack plating (dip tank) line, a hand-dip plating operation (barrel line), and a wastewater treatment plant (WWTP). During the plating process, carbon steel parts are cleaned with caustic soda or aqueous detergent, rinsed, etched with sulfuric acid (rack line) or hydrochloric acid (barrel line), rinsed, dipped in the zinc plating bath solution, rinsed, tinted with chromate and rinsed. The waste material from such operations often meets the definition of a hazardous waste.

14. The primary waste streams processed through the WWTP are the caustic bath and rinse water, although CVE representatives have indicated that materials from the acid tanks may have also been treated through the WWTP. Wastes generated at the WWTP include waste water and filter press sludge.

15. Raw materials include acids, zinc plating solution, chromate solutions (yellow and clear), and caustic soda.

16. Respondents' facility building is a structure of approximately 8,500 square feet in area and encompasses one rack plating (dip tank) line and one hand-dip (barrel) line.

17. Respondents' Facility is located in a mostly industrial area. Approximately 700 feet west-northwest of the Facility property is a daycare, directly in the path of stormwater drainage. A stream lies approximately 1000 feet due west of the Facility property. The nearest residences are approximately 1300 feet west of the Facility and northeast of the Facility.

18. On or about September 9, 2005, an inspector for the EPA conducted an inspection at CVE's facility. At the time, the current CVE owners had owned the Facility for approximately 18 months.

19. During the September 2005 inspection, it was documented that there were 28, 55-gallon containers of waste material stored at the facility. CVE indicated that these containers were left by the previous owner. CVE was cited for failure to make a hazardous waste determination on the containers.

20. On or about September 20, 2010, an inspector for the EPA conducted an inspection at CVE's facility. CVE was inspected as a conditionally exempt small quantity generator of hazardous waste. Conditionally exempt small quantity generators generate 100 kilograms of hazardous waste or less per month.

21. During the September 2010 inspection, the inspector observed the following solid wastes:

a. A 300 gallon container that held approximately 100 gallons of pre-chromate conversion rinse water;

b. Spent acid bath generated during maintenance of the acid etch baths;

i. Three 250-gallon containers of partially neutralized acid (pH of approximately 2)

ii. Two 250-gallon containers of unneutralized acid (pH of approximately 0)

c. 20 cubic yards of old process vessels and other plating equipment;

d. Old process chemicals: 20 55-gallon containers of unknown chemicals that were also cited in the 2005 inspection.

22. Based on information obtained during the 2010 inspection, the inspector issued a Notice of Preliminary Finding to CVE for failing to perform hazardous waste determinations on the wastes listed in paragraph 21, except for 21.a., which was noted but not cited.

23. In a July 25, 2011 letter from CVE to the EPA, CVE stated that the wastes listed in paragraph 21.b. and 21.c. were hazardous. CVE stated that some of the old process chemicals identified in paragraph 21.d. are hazardous, but did not specifically identify which ones.

24. During the September 2010 inspection, the inspector also observed the following materials:

- a. Seven, large (greater than 300 gallons each) containers of excess acid etch bath and excess rinse bath;
- b. Filter press sludge generated from the treatment of chromate conversion rinse water, bath, and sludge in the WWTP;
- c. Wastewater in the 3000-gallon WWTP above ground storage tank located inside the building;
- d. 3000-gallon above ground storage tanks formerly part of the WWTP;
- e. Used lamps

25. In November 2011, CVE ceased its business activities at the facility leaving numerous process chemicals and wastes inside and surrounding the building, including those listed in paragraphs 21 and 24.

26. At the time that CVE ceased its operations, it abandoned, as defined at 40 C.F.R. § 261.2(b), and therefore, discarded, as defined at 40 C.F.R. § 261.2(a)(2)(i), the materials listed in paragraph 24.

27. The materials identified in paragraph 24 are therefore, solid wastes as defined at 40 C.F.R. § 261.2(a)(1).

28. The contents of the seven large containers identified in paragraph 24.a. are also corrosive hazardous wastes.

29. The used lamps identified in paragraph 24.e. are D009 hazardous wastes because of their mercury content.

30. On February 27-28, 2012, an EPA representative conducted a limited site visit to determine the hazardous waste management practices at the Facility, observe site conditions, and document the status of containers of wastes. During the visit, the EPA representative noted numerous totes, tanks, drums, and other containers and materials stored in an abandoned manner throughout the Facility, including numerous containers that were open and several that were leaking. There was also a strong acidic odor in the air and all exposed metal surfaces in the building appeared to be corroded. Many containers were not labeled. From containers that were labeled, EPA was able to determine that Respondents are storing and/or disposing of solid and/or hazardous wastes including but not limited to chromium, zinc, ferric sulfate, ferric chloride, sulfuric acid, hydrochloric acid, sodium hypochlorite, and sodium hydroxide.

31. In late 2011, a representative of Respondents was ordered by the Fire Department of Cedar Falls to place several white plastic tanks containing caustic or acid compounds into the building so that they would not freeze. The tanks left visible staining in the area where they were stored outside. One tank was observed to be leaking at its present location inside the building. Another tank had its top smashed in exposing its contents.

32. Respondents were also required to ensure that the heating was kept on in the building to so that chemicals and wastes in the building would not freeze and thus create additional hazards.

33. During the February 2012 visit, the EPA representative also noted that the old chemicals cited in the 2005 inspection and again in the 2010 inspection were still present in February 2012. Some of the containers were in poor condition and were leaking. Labels on the containers indicated the presence of the following incompatible wastes, among others, being stored together, without being separated by means of a dike, berm, wall or other device: strong acids and strong bases stored in proximity to each other (e.g., sodium hydroxide was stored near sulfuric acid and hydrochloric (muriatic) acid). The mixing of these incompatibles could lead to consequences such as heat generation, violent reaction, fire, explosion, and generation of flammable and/or toxic gas.

34. During the February 2012 site visit, the EPA representative documented that no plating lines at the Facility were being used. Several of the tanks in these plating lines contained hundreds of gallons of caustic chemicals (e.g., hydrochloric acid, sulfuric acid, and sodium hydroxide) that would be corrosive hazardous wastes (EPA characteristic waste code D002) due to pH readings less than or equal to "2" or pH readings greater than or equal to "12.5." In addition, several of the tanks in these plating lines contained chromium that could fail the Toxicity Characteristic Leaching Procedure (TCLP). Additionally, one of the electroplating baths was leaking a waste onto the concrete creating a pool of liquid. Near the liquid, on the floor, was an electrical conduit and junction box. The waste appeared to travel to the wall of the building causing the wall to corrode and release the waste to the outside of the building. The outside wall, the building, and the concrete slab were visibly stained and corroded. Additionally, it appeared that the grass exposed to this waste was dead. There is also a gas service located in the immediate vicinity of where the waste was draining out of the building. Corrosive materials are in imminent danger of contacting the gas pipe where it enters the building.

35. During the February 2012 visit, the EPA representative noted three tanks outside on the west side of the building. There was staining on the ground around these tanks. Two of these tanks were one-quarter full of a "0" pH material. The third tank was one-quarter full of a "14" pH material.

36. In one area of the Facility, the EPA representative noted several drums or containers, numerous totes, and various types of open, corroded and/or damaged containers that contained wastes generated or chemicals abandoned by the Facility. None of these containers were labeled as hazardous wastes. Testing of the content of several of the containers indicated that they contained materials with the pH readings of "0" and "14."

37. There were several large aboveground storage tanks containing hundreds of gallons of process wastewater in the WWTP.

38. During the February 2012 visit, the EPA representative observed poor housekeeping throughout the Facility including spills and releases throughout the entire building. There was also extensive corrosion of the plating line tanks, a number of which contained corrosive chemicals and chromium plating chemicals.

39. During the February 2012 visit, the EPA representative noted a brown-orange stain on the concrete beginning outside the garage door at the northeast corner of the building continuing down a ramp to the east, then turning north in the driveway to the gully proceeding north. The staining stopped where storm water turns west into a stormwater basin on the north property line. An 8" black plastic pipe leading to the storm water basin appeared to be from the building downspout. An 8" black plastic pipe covered with a tarp and two bricks in the low end of the basin leads to slough that drains to the day-care center parking lot.

40. Based upon EPA observations of greater than 1,000 kilograms of hazardous waste present at the Facility and Respondents' improper management and handling of the hazardous wastes at the Facility, Respondents are operating as a Treatment, Storage, and Disposal ("TSD") Facility and a Large Quantity Generator of hazardous waste.

41. The hazardous wastes or hazardous constituents identified below may have the following effects on human health or the environment:

- a. CHROMIUM is a metal and, when a waste contains more than 5 milligrams per liter chromium as analyzed using the TCLP, is a D007 characteristic hazardous waste. It is also a hazardous constituent listed in Appendix VIII to 40 C.F.R. Part 261. Human exposure occurs through inhalation, ingestion, and dermal absorption. The lungs, kidneys, liver, and skin, and the immune system may also be affected. Long-term exposure to chromium may cause lung cancer.
- b. SULFURIC ACID is a clear, colorless, oily liquid that is very corrosive. Sulfuric acid is very corrosive and irritating and causes direct local effects on the skin, eyes, and respiratory and gastrointestinal tracts when there is direct exposure to sufficient concentrations. When waste sulfuric acid has a pH equal to "2" or less as determined by a pH meter using Method 9040C, the waste is a D002 RCRA characteristic hazardous waste. It is also a hazardous constituent listed in Appendix VIII to 40 C.F.R. Part 261.
- c. HYDROCHLORIC ACID is a solution of hydrogen chloride (HCl) in water, that is a highly corrosive, strong mineral acid with many industrial uses. It is also known as muriatic acid or spirits of salt. It is a strong acid and is corrosive and irritating. The acid reacts with most metals, to produce hydrogen and the metal's chloride, and with oxides, hydroxides, and many salts. Hydrochloric acid has similar effects on the human body as described above for sulfuric acid. When waste hydrochloric acid has a pH equal to 2 or less as determined by a pH meter using Method 9040C, the waste is a D002 RCRA characteristic hazardous waste. It is also a hazardous constituent listed in Appendix VIII to 40 C.F.R. Part 261.

d. SODIUM HYDROXIDE is used to manufacture soaps, rayon, paper, explosives, dyestuffs and petroleum products. It is also used in laundering and bleaching, metal cleaning and processing, oxide coating, and electroplating. It is also commonly present in drain and oven cleaners. Very low levels of sodium hydroxide can produce irritation of the skin and eyes, and exposure to sodium hydroxide solids and/or concentrated liquid can cause severe burns in the eyes, skin and gastrointestinal tract. Sodium hydroxide is very corrosive, and when dissolved in water or neutralized with a strong acid it liberates substantial heat, which could ignite combustible materials. When waste sodium hydroxide has a pH equal to "12.5" or more as determined by a pH meter using Method 9040C, the waste is a D002 RCRA characteristic hazardous waste. It is also a hazardous constituent listed in Appendix VIII to 40 C.F.R. Part 261.

42. Exposure to the hazardous constituents outlined above through dermal contact, ingestion or inhalation present health risks to people who come into contact to these materials. Such persons may include the property owners, contractors, emergency responders, state, local and federal regulators, and trespassers. As previously described, mixtures of incompatible wastes could result in heat generation, violent reaction, fire, explosion, and generation of flammable and/or toxic gas.

43. Furthermore, there are several instances of uncontained releases in the environment. The releases from the electroplating bath are likely highly toxic and reactive and are in imminent danger of coming into contact with electrical and gas lines. Should contact occur, it could cause an explosion or start a fire, either of which would start a chain reaction of explosions or fires with the other waste chemicals in the Facility. Any explosion or release could release toxic gases in the air that would adversely affect the health of the persons occupying the nearby businesses, daycare and residences.

44. Additionally, the Facility is located close to a stream. Consequently, an uncontained release of solid and/or hazardous waste could result in a discharge to the stream. The abatement

actions required by the Order are necessary to remove the endangerment posed by current Facility conditions.

V. CONCLUSIONS OF LAW AND DETERMINATIONS

45. Respondents are “persons” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

46. The property located at 5611 Westminster Drive, Cedar Falls, Blackhawk County, Iowa, 50613 is a “facility,” and, at all times relevant to this action Respondent R Squared Properties, L.L.C., was and is an “owner” of the facility, and Respondent Cedar Valley Electroplating, L.L.C., was an “operator” of the facility within the meaning of 40 C.F.R. § 260.10.

47. The wastes stored and handled at Respondents’ Facility are “solid wastes” and/or “hazardous wastes,” as defined in Sections 1004(27) of RCRA, 42 U.S.C. § 6903(27), and 1004(5) of RCRA, 42 U.S.C. § 6903(5), respectively.

48. The presence of solid wastes, hazardous wastes, and/or hazardous constituents at the Facility resulted from the past or present handling, storage, treatment, transportation, and/or disposal of solid wastes, hazardous wastes, and/or hazardous constituents.

49. Past and present conditions at the Facility may constitute an imminent and substantial endangerment to health or the environment, within the meaning of Section 7003 of RCRA, 42 U.S.C. § 6973.

50. Respondents have contributed and are contributing to such handling, storage, treatment, transportation and/or disposal of solid wastes, hazardous wastes and/or hazardous constituents at the Facility within the meaning of RCRA and its implementing regulations.

VI. NOTICE TO STATE AND LOCAL AUTHORITIES

51. The State of Iowa and appropriate local authorities have been notified of the issuance of this Order pursuant to Section 7003(c) of RCRA, 42 U.S.C. § 6973(c).

VII. ORDER

52. Based on the foregoing and pursuant to Sections 3007 and 7003 of RCRA, 42 U.S.C. §§ 6927 and 6973, Respondents are hereby ORDERED to perform the activities described in Section VIII of this Order and all other activities required by this Order.

VIII. WORK TO BE PERFORMED

53. Immediate Compliance with RCRA: Upon receipt of this Order, Respondents shall immediately comply with RCRA and all its implementing regulations. Respondents shall cease all solid and/or hazardous waste handling activities at the Facility and take active steps as outlined in this order to stop releases of solid and hazardous wastes into the environment.

54. Restriction of Access: Within three (3) business days of the effective date of this Order, Respondents shall restrict access to areas of the property where there has been a release of solid and/or hazardous waste. Measures to accomplish this may include, but are not limited to, posting “no trespassing” signs or signs directing visitors to the Facility away from areas where solid or hazardous waste contamination may be present, installing a fence to restrict access to the Facility by the public, or other similar measures. Respondents shall also ensure that the building is properly climate controlled to ensure proper storage of the materials inside the building, thus preventing freezing or vaporization of the materials. Respondents shall provide a written description, photographs, or other documentation of the measures taken to comply with this paragraph within seven (7) business days of completion of such measures to EPA’s representative identified in paragraph 64 below.

55. Identification and Containment of Releases posing an immediate harm: Within four (4) business days of the effective date of this Order, Respondents shall determine the identity of any materials that are currently leaking or that have already been released into the environment inside and/or outside the operations building. This identification of materials shall include sampling if process knowledge is insufficient to determine the identity of the material. This identification and sampling of materials shall include, but not be limited to, any discharge from the tanks located outside the west side of the building, the poly tanks located in the building, the plating baths along the west wall in the interior of the building, and any other tank or container leaking its contents. Concurrently with identifying the leaking material described above, Respondents shall stop the continued release of the leaking material and/or ensure that the leaking material has been removed from the leaking container or tank such that it no longer presents an imminent and substantial endangerment to human health or the environment. Within four (4) business days of the effective date of this Order, Respondents shall remove all leaked material from the floor, driveway, soil, ground, or other surfaces where materials have gathered upon leaking from tanks and/or containers. This material shall be removed so that it no longer presents an imminent and substantial endangerment to human health or the environment. This material shall be disposed of in compliance with state and federal waste disposal regulations.

56. Posting: Immediately upon receipt of this Order, Respondents shall post a sign at the Facility which provides notice of the hazardous conditions present at the Facility in accordance with the requirements of Section 7003(c) of RCRA, 42 U.S.C. § 6973(c). The sign to be posted shall be at least twenty-four (24) by thirty-six (36) inches, and shall be made of weatherproof

material in white or a brightly-colored background with large, clearly contrasting lettering. The sign shall be posted in a prominent place at or near the public entrance to the Facility, and shall state: "Warning: Conditions at this facility may present an imminent and substantial endangerment to human health or the environment." Failure to post the sign as directed in this paragraph will constitute a violation of this Order.

57. Notice of Intent to Comply: Within two (2) business days of the effective date of this Order, Respondents shall each notify EPA of their intent to comply with this Order in accordance with Section XV (Notice of Intent to Comply) below.

58. Selection of Contractor, Subcontractors, and Project Managers:

a. Selection of Contractor: As soon as practicable, but in no event later than seven (7) days after the effective date of this Order, Respondents shall notify the EPA of the name and qualification of a Contractor selected to carry out all activities set forth herein. The EPA retains the right to disapprove of the selected contractors and/or subcontractors retained by the Respondents.

b. Selection of Project Manager: All work performed pursuant to this Section (Work to be Performed) shall be under the direction and supervision of a Project Manager, who shall be a professional engineer or geologist with expertise in hazardous waste clean-up. Respondents' Project Manager shall be responsible for administration of all of the Respondents' actions required by the Order. To the greatest extent possible, Respondents' Project Manager shall be readily available during all work to be performed hereunder. Respondents' Project Manager shall have the authority to act on behalf of Respondents. Respondents shall notify the EPA representative named in paragraph 64 of the name and qualifications of their selected Project Manager as soon as practicable, but in no event later than seven (7) days after the effective date of this Order.

c. Notification of Additional Contractors or Subcontractors: Respondents shall also notify EPA of the name and qualifications of any other contractors or subcontractors retained to perform work under this Section (Work to be Performed) at least seven (7) days prior to commencement of such work.

d. Approval/Disapproval of Contractors, Subcontractors, and Project Manager: If EPA disapproves of a selected Project Manager or contractor, Respondents shall retain a different Project Manager or contractor within five (5) days following EPA's disapproval and shall notify EPA of the new Project Manager's or contractor's name and qualifications within seven (7) days of EPA's disapproval. If EPA still disapproves of the selected contractor or Respondents fail to select a new contractor, Respondents' failure to select a contractor shall be deemed a violation of this Order and EPA reserves the right to perform any or all of the work required by this Order and to seek reimbursement of its costs from Respondents pursuant to applicable statutory authorities.

59. Conduct Complete Inventory and Hazardous Waste Determinations on All Containers, Drums, Tanks, Totes, Supersacks, Piles: Within fourteen (14) days of the effective date of this Order, Respondents shall submit to EPA's representative, identified in paragraph 64 below, a written inventory of all containers, drums, tanks, totes, supersacks, and piles at the Facility. The description shall include a notation regarding the size of the container, its contents and quantity thereof. The description shall also include a waste determination in accordance with the requirements of 40 C.F.R. § 262.11.

60. If Respondents claim any of the inventoried materials above as useable or saleable product, then Respondents must identify the material in the inventory required above, describe the condition of the container, describe the location of the material in the Facility and provide a photograph. In addition, Respondents must provide written documentation of: how the product

has been used in the past; the product's intended use in the future; and the Material Safety Data Sheet (MSDS). Respondents, however, shall refrain from relocating or removing from the Facility any of the materials identified above without approval from EPA except as allowed by this Order.

61. As part of this inventory, Respondents shall submit to EPA's representative identified in paragraph 64 a written "Inventory and Immediate Removal Plan" (Plan) for shipping all hazardous waste currently located at the Facility to an appropriate hazardous waste disposal facility and a schedule for such activities. The Plan should include how off-site removal of the hazardous wastes shall be carried out in such a manner as to ensure that no releases of any of the materials to the environment, including fugitive releases to the air, occur at any time during preparations for removal or during any removal-related activities. The Plan shall include the following:

- a. Identification of facility for disposal of all hazardous wastes: The Plan shall identify the disposal facility where Respondents propose to ship these wastes.
- b. Disposal of all spent or waste acids, sludges, wastewater, outdated and unusable chemicals, or other waste: The Plan shall provide that within thirty (30) days of EPA's approval of Respondents' contractor selection, all activities related to the off-site shipment of the hazardous wastes will commence and shall continue in accordance with an EPA-approved schedule. The Plan shall also provide that the off-site disposal of these materials be completed no later than within sixty (60) days of EPA's approval of the Plan.
- c. Documentation: The Plan shall provide that within ten (10) days of completion of off-site disposal of the solid and/or hazardous wastes, Respondents shall provide to the EPA

a written statement of compliance and documentation demonstrating that all disposal activities are complete and that all such activities were carried out in accordance with the applicable requirements of RCRA. The statement shall specify all actions taken by Respondents to comply with the EPA-approved plan and all other terms of the Order and shall contain an inventory of all items and actual disposition of each item listed on the inventory; and the total cost of returning to compliance. Documentation to be provided shall include, but not be limited to, photographs, sworn statements, manifests, packing lists, invoices, etc.

The Plan will be reviewed by EPA in accordance with the procedures identified in paragraph 64 below and must be approved prior to implementation. This Plan shall be implemented immediately upon approval by EPA.

62. Site Characterization: Within thirty (30) days of completion of off-site shipment of the wastes pursuant to the Inventory and Immediate Removal Plan referenced above, Respondents shall submit to EPA's representative identified in paragraph 64 below, a Site Characterization Work Plan (SCWP) for the investigation of contamination of the areas where solid and hazardous wastes were stored, managed, and/or released or where releases could have occurred. The SCWP shall assess the horizontal and vertical nature and extent of on-site contamination, and any off-site migration of waste or contamination in soils and groundwater, and shall include the following:

- a. Characterization of the Site's geology: This should include, but not be limited to, the direction of slope of bedrock at the facility based on a review of readily available information. The reviewed information shall include, but not be limited to, applicable information from the following sources: i) the United States Geological Survey; ii) the Iowa Geologic Survey, and iii) any data generated from near-by boring logs,

stratigraphic columns, and well completion records.

- b. A Field Sampling Plan;
- c. A Quality Assurance Project Plan (QAPP) prepared in accordance with Section IX.
- d. A Health and Safety Plan (HASP). The HASP will be implemented during field activities. The HASP shall be consistent with applicable Occupational Safety and Health Administration regulations.
- e. A schedule for completion of activities including the ultimate clean-up of any contaminated areas;
- f. A diagram of the Site and its structures (e.g. the business building), a narrative and pictorial description of the locations to be sampled (including a background sample), including an explanation of why each of the sampling locations was selected, how each sample will be collected, and the materials or media to be sampled;
- g. A list of the hazardous constituents which will be analyzed for each sample collected, based on the composition of the chemicals that were used and stored at the facility or sent for disposal; and
- h. The proposed action levels (i.e. Regional Screening Levels (RSLs) for chemical contaminants at Superfund sites) for any hazardous wastes inventoried pursuant to paragraph 59 above. The purpose of the proposed action levels are to indicate whether contamination from the hazardous wastes stored at Respondents' Site is present in the air, soil, surface water, ground, or building floors, wall, piles, and/or sheds.

63. EPA shall review and approve, disapprove, or require modification of the SCWP and its component parts, as set forth in paragraph 64 below. Upon EPA approval, Respondents shall carry out all activities required pursuant to the EPA-approved plan in accordance with the schedules contained therein. Failure to timely complete activities shall be a violation of this Order.

64. EPA Approval of Deliverables: All plans and reports submitted pursuant to this section of this Order shall be reviewed in accordance with the procedures outlined in this paragraph. The EPA will review the plan/report and may approve the plan/report, approve the plan/report with modifications, or disapprove the plan/report and provide comments to Respondents. If a plan is disapproved with comments, Respondents shall incorporate EPA's comments and resubmit the plan within fourteen (14) days of receipt of EPA's comments. If Respondents fail to revise a plan in accordance with EPA's comments, then EPA may unilaterally modify the plan and Respondents shall implement such plan as necessary to complete the work pursuant to this Order. If the plan is approved either upon initial submission or resubmission, Respondents shall commence implementation of the plan immediately upon receipt of EPA's written approval of the plan. Upon approval of the plan by EPA, the plan, including all activities and schedules for such activities, shall be incorporated into and made an enforceable part of this Order, and failure to implement any plan in accordance with the scheduled contained therein shall be deemed a violation of this Order. The EPA representative to whom all plans must be submitted is:

Edwin G. Buckner, PE
Environmental Engineer
AWMD/WEMM
U.S. EPA Region 7
901 North 5th Street
Kansas City, Kansas 66101.
(913) 551-7621

65. Split samples: Upon request by EPA, Respondents shall allow EPA or its authorized representatives to take split and/or duplicate samples of any samples collected by Respondents while performing work under this Order. Respondents shall notify EPA not less than thirty (30)

calendar days in advance of any sample collection activity. In addition, EPA shall have the right to take any additional samples that it deems necessary.

66. Site Characterization Report: Respondents shall submit a Site Characterization Report that details all activities conducted at the Site in conjunction with site characterization activities required under this Order and SWCP within forty-five (45) days after completion of site characterization activities. The Site Characterization Report is subject to the EPA approval and disapproval as described in paragraph 64. The report shall include, but is not limited to, the following:

- a. A description of the actions that have been taken to comply with each element of the Order and SCWP;
- b. Copies of all results of chemical or physical analyses conducted during this action, including all the results of field screening or other “on-site” analyses;
- c. Copies of all hazardous waste manifests or other appropriate shipping papers (i.e., Land Disposal Restriction Notifications) that describe origin and destination, dates, amount, and the description of the materials being transported off-site;
- d. Copies of certificates of disposal from the selected disposal facilities;
- e. A table documenting the analytical results of each sample collected including a comparison of the analytical results to the approved action levels; and
- f. Recommended actions, based on the analytical results compared to approved action levels, to clean up Respondents’ facility.

67. The EPA will review and approve, disapprove, or require modification of the Site Characterization Report as set forth in paragraph 64. The EPA will evaluate the information provided in the Site Characterization Report to determine whether clean-up activities are required.

68. Clean-Up Work Plan: If it is determined by the EPA pursuant to paragraph 67 above that clean-up activities are required at Respondents' Site, Respondents shall prepare a Clean-Up Work Plan describing how the recommended actions in paragraph 66.f. will be implemented. The Clean-Up Work Plan shall be submitted within forty-five (45) days of the EPA's notification to Respondents that clean-up is required. The Clean-Up Work Plan shall include, but not be limited to the following:

- a. A description of the clean-up activities that will achieve the RSLs;
- b. A schedule for clean-up activities
- c. An updated HASP that is adequate for the clean-up work to protect workers at the Site;
- d. A requirement for confirmatory sampling consistent with the approved QAPP;
- e. Proposed disposal locations.

69. The EPA will review and approve, disapprove, or require modification of the Clean-up Work Plan as set forth in paragraph 64. Upon the EPA's approval of the Clean-up Work Plan, Respondents shall implement the actions set forth in the Clean-up Work Plan immediately in accordance with the schedules contained therein. Failure to timely complete activities shall be a violation of this Order. Respondents shall provide the EPA notice fifteen (15) days prior to any field work.

70. Within thirty (30) days of Respondents' completion of the field work, Respondents shall provide a Clean-up Report described in paragraph 71 to the EPA's Project Manager identified in paragraph 64.

71. Clean-Up Report: If it is determined that Respondents must perform clean-up actions at the facility pursuant to the Clean-Up Work Plan, the respondent shall submit a Clean-Up Report

that details all activities conducted at the Respondents' facility in conjunction with the clean-up activities required under this Order and Clean-Up Work Plan. The Clean-up Report is subject to the EPA's approval and disapproval as described in paragraph 64. The report shall include, but not be limited to, the following:

- a. A description of all clean-up activities performed at the Respondents' Site;
- b. A description of the amount of materials properly disposed of at a treatment, storage, or disposal facility or landfill, depending on the levels of contamination in the materials;
- c. Copies of all manifests, bills of lading, etc., generated as a result of the clean-up;
- d. Analytical results of confirmatory samples collected to show all the contamination has been removed above the EPA approved clean-up levels.

72. Additional Work: EPA may determine that certain additional tasks are necessary to achieve the purpose of this Order. In the event such a determination is made, EPA will notify Respondents in writing that Respondents must perform the additional work and will specify the basis and reasons for its determination that the additional work is necessary. Within seven (7) days of the receipt of such request, Respondents may request a meeting with EPA to discuss the additional work. Within thirty (30) days of notification of the need for additional work, or according to an alternative schedule agreed to by the parties, Respondents shall submit a work plan for such additional work to EPA, which shall include a schedule for implementation of the plan. The plan will be reviewed by EPA in accordance with the procedures set forth herein and paragraph 64. Upon approval by EPA, Respondents shall perform the additional work according to the EPA-approved plan. The EPA-approved plan shall be incorporated into and become an enforceable part of this Order. All additional work performed by Respondents under this

subparagraph shall be performed in a manner consistent with this Order.

IX. QUALITY ASSURANCE

73. As part of the Work Plan(s) required in Section VIII of this Order, Respondents shall include a Quality Assurance Project Plan, for EPA review and approval. The QAPP shall address quality assurance, quality control, and chain of custody procedures for any sampling, monitoring and analytical activities. Respondents shall follow “EPA Requirements for Quality Assurance Project Plans (QA/R5)” (EPA/240/B-01/003, March 2001), “Guidance for Quality Assurance Project Plans (QA/G-5)” (EPA/600/R-98/018, February 1998), and “EPA Requirements for Quality Management Plans (QA/R-2)” (EPA/240/b-01/002, March 2001) as well as other applicable documents identified by EPA. The QAPP shall be incorporated into this Order by reference.

74. As part of the Work Plan(s), Respondents shall include Data Quality Objectives for any data collection activity to ensure that data of known and appropriate quality are obtained and that data are sufficient to support their intended use as required by this Order.

75. Respondents shall ensure that laboratories used by Respondents for analysis perform such analysis according to the latest approved edition of “Test Methods for Evaluating Solid Waste (SW-846)” or other methods approved by EPA. If methods other than EPA methods are to be used, Respondents shall specify all such protocols in the respective Work Plan. EPA may reject any data that does not meet the requirements of the approved Work Plan and EPA analytical methods and may require resampling and additional analysis

76. Respondents shall ensure that all laboratories employed for analyses participate in a quality assurance/quality control (“QA/QC”) program equivalent to the program that EPA follows. Respondents shall, on EPA’s request, make arrangements for EPA to conduct a performance and QA/QC audit of the laboratories chosen by Respondents, whether before, during, or after sample analyses. On EPA’s request, Respondents shall have the laboratories perform analyses of samples provided by EPA to demonstrate laboratory QA/QC and performance. If the audit reveals deficiencies in a laboratory’s performance or QA/QC, Respondents shall submit a plan to address the deficiencies and EPA may require resampling and additional analysis.

77. EPA reserves the right to require a change in laboratories for reasons which may include, but shall not be limited to, QA/QC, performance, conflict of interest, or confidential agency audit information. In the event EPA requires a laboratory change, Respondents shall propose two alternative laboratories within thirty (30) days. Once EPA approves of the laboratory change, Respondent shall ensure that laboratory service shall be made available within fifteen (15) days.

X. RECORD RETENTION

78. Until ten (10) years after Respondents’ receipt of EPA’s notification pursuant to Section XXII (Modification and Termination) of this Order, Respondents shall preserve and retain all non-identical copies of records and documents (including those in electronic form) which relate in any manner to the performance of the work required under this Order. Respondents shall also instruct their contractors and agents to preserve all such documents for a period of ten (10) years.

79. Respondents shall acquire and retain copies of all documents that relate to the Site that are in the possession of their employees, agents, accountants, contractors or attorneys.

80. Respondents shall make available to EPA all employees and persons, including contractors, who engage in activities under this Order, and ensure their cooperation with EPA with respect to this Order.

81. After the ten (10) year retention period and ninety (90) days before any document or information is destroyed, Respondents shall notify EPA that such documents and information are available to EPA for inspection, and on request, shall provide the originals or copies (at no extra cost) of such documents and information to EPA. Notification shall be in writing and shall reference the effective date, caption, and docket number of this Order, and shall be addressed to EPA's Air and Waste Management Division Director. In addition, Respondents shall provide documents and information retained under this Section at any time before expiration of the 10 year retention period at the written request of EPA.

82. All documents pertaining to this Order shall be stored by Respondent in a centralized location at the Site, or an alternative approved by Respondents to promote easy access by EPA or its representatives.

XI. DOCUMENT CERTIFICATION

83. Any report or other document submitted by Respondents pursuant to this Order shall be certified by a responsible corporate officer for the Respondents. A responsible corporate officer means: a president, secretary, treasurer, or vice-president in charge of a principal business function, or any other person who performs similar policy or decision-making functions.

84. The certification required by paragraph 83 above shall be in the following form:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____
Name: _____
Title: _____
Date: _____

XII. OPPORTUNITY TO CONFER

85. Respondents have the opportunity to confer with and/or submit information to EPA concerning the validity of this Order, including the basis for the Order, the terms of the Order, and the applicability of this Order to the Respondents. By March 9, 2012, Respondents may request a conference regarding the Order. EPA shall deem a failure to request a conference as a waiver of the opportunity to confer. Requests for a conference shall be made by telephone followed by written confirmation mailed by the following business day to the EPA contact identified in paragraph 64.

86. If Respondents request a conference, it shall occur prior to the March 14, 2012, unless the date for the Effective Date and conference is extended by mutual agreement of the Parties. The conference shall be with the the EPA representative identified in paragraph 64.

87. This conference is not an evidentiary hearing. It does not give Respondents a right to seek review of this Order. EPA will make no formal transcript of the conference. If a conference is held, Respondents may present any evidence, arguments or comments regarding this Order, its applicability, any factual determination on which the Order is based, the appropriateness of any action that the Respondents are ordered to take, or any other relevant and material issue.

88. Respondents are responsible for reducing any oral evidence, arguments, or comments to writing and submitting them to EPA within three (3) days following the conference.

89. Whether or not Respondents request a conference, Respondents have the opportunity to provide EPA with information concerning the validity and necessity of this Order, and the applicability of this Order to the Respondents. EPA will add to the administrative record any relevant and material that Respondents provides prior to March 14, 2012.

90. Any information or documents provided under this section should be directed to the EPA representative identified in paragraph 64.

91. If after a conference is held or relevant and material information is submitted, EPA determines that any element of this Order warrants modification or revocation, EPA will modify or revoke the Order in writing and issue a copy to the Respondents.

92. Except as otherwise provided in this Order, no modification to or revocation of this Order shall be effective unless and until it is issued in writing by EPA and filed with the Regional Hearing Clerk.

XIII. COMPLIANCE WITH OTHER LAWS

93. Respondents shall perform all actions required pursuant to this Order in accordance with all applicable local, state, and federal laws and regulations. Respondents shall obtain or cause their representatives to obtain all permits and approvals necessary under such laws and regulations in a timely manner so as not to delay the Work required by this Order.

XIV. EMERGENCY RESPONSE AND NOTIFICATION OF RELEASES

94. In the event of any action or occurrence during performance of the work which causes or threatens a release of solid or hazardous waste or discharge of pollutants from the Facility that constitutes an emergency situation or may present an immediate threat to public health or welfare or the environment, Respondents shall immediately take all appropriate action. Respondents shall take these actions in accordance with all applicable provisions of this Order, including but not limited to, any plans submitted pursuant to this Order, in order to prevent, abate or minimize such release or endangerment caused or threatened by the release. Respondents shall also immediately notify the EPA representative identified in paragraph 64 above, or, in the event of his unavailability, notify the Regional Spill Line number listed in paragraph 95 below.

95. In addition, in the event of any release of a hazardous substance from the Facility, Respondents shall immediately notify the EPA Regional Spill Line at (913) 281-0991 and the National Response Center at (800) 424-8802. Respondents shall submit a written report to EPA within seven (7) days after each release, setting forth the events that occurred and the measures taken or to be taken to mitigate any release or endangerment caused or threatened by the release and to prevent the reoccurrence of such a release. This reporting requirement is in addition to, and not in lieu of, reporting under Section 103(c) of CERCLA, 42 U.S.C. § 9602(c), and Section

304 of the Emergency Planning and Community Right-To-Know Act of 1986, 42 U.S.C.

§ 11004, *et seq.*

XV. NOTICE OF INTENT TO COMPLY

96. Each Respondent shall provide, within two (2) business days after the effective date of this Order, written notice to EPA stating whether each Respondent will comply with the terms of this Order. The notice shall be sent to EPA's representative identified in paragraph 64 above. If any Respondent does not unequivocally commit to perform the work required by this Order, that Respondent shall be deemed to have violated this Order and to have failed or refused to comply with this Order. The absence of a response by EPA to the notice required by this paragraph shall not be deemed to be acceptance of any Respondents' assertions.

XVI. ENFORCEMENT, RESERVATIONS, SEVERABILITY

97. Nothing in this Order shall preclude EPA from taking any additional enforcement actions, including modification of this Order or issuance of additional Orders, and/or additional actions as EPA may deem necessary, or from requiring Respondents in the future to perform additional activities pursuant to RCRA or any other applicable law. Such additional enforcement actions may include, but are not necessarily limited to: actions taken pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), to assess civil penalties and/or seek injunctive relief; actions taken pursuant to Section 3008(h) of RCRA, 42 U.S.C. § 6928(h), to compel corrective action at the Facility; or further actions under Section 7003 of RCRA to address conditions that may present an imminent and substantial endangerment to human health or the environment caused by any future releases of solid waste or hazardous waste from the Facility.

98. Violation of this Order may subject Respondents to civil penalties of at least seven thousand five hundred dollars (\$7,500.00) per violation per day. The assessment of penalties are provided for in Section 7003(b) of RCRA, 42 U.S.C. § 6973(b), as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, 28 U.S.C. § 2461 note. Should Respondents violate this Order or any portion hereof, EPA may carry out the required actions unilaterally, pursuant to any applicable authorities, and may seek judicial enforcement of this Order.

99. Notwithstanding any provision of this Order, the United States hereby reserves all of its information gathering, inspection and all enforcement authorities and rights under RCRA and any other applicable statutes or regulations.

100. This Order shall not be construed as a covenant not to sue, release, waiver, or limitation of any rights, remedies, powers, claims, and/or authorities, civil or criminal, which EPA has under RCRA, CERCLA, or any other statutory, regulatory, or common law authority of the United States.

101. Notwithstanding any other provision of this Order, no action or decision by EPA pursuant to this Order, including without limitation, any authorized representative of EPA, shall constitute final agency action giving rise to any right of judicial review prior to EPA's initiation of a judicial action to enforce this Order, including an action for penalties or an action to compel Respondents' compliance with the terms and conditions of this Order.

102. If a court issues an order that invalidates any provision of this Order or finds that Respondents have sufficient cause not to comply with one or more provisions of this Order,

Respondents shall remain bound to comply with all provisions of this Order not invalidated by said court order.

103. Except as specifically provided in this Order, nothing herein shall limit the power and authority of EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants or contaminants, or hazardous or solid waste on, at, or from the Facility. Further, nothing herein shall prevent EPA from seeking legal or equitable relief to enforce the terms of this Order, from taking other legal or equitable action as it deems appropriate and necessary, or from requiring Respondents in the future to perform additional activities pursuant to RCRA or any other applicable law. EPA reserves, and this Order is without prejudice to, all rights against Respondents with respect to all other matters, including, but not limited to:

- a. claims based on a failure by Respondents to meet a requirement of this Order;
- b. criminal liability; and
- c. liability arising from the past, present, or future disposal, release or threat of release of solid or hazardous waste or the discharge of pollutants from the Facility.

XVII. SAMPLING AND ACCESS

104. EPA and/or its authorized representatives shall have access to the Facility at all reasonable times for the purpose of reviewing the progress of Respondents in carrying out the provisions of this Order and for purposes including, but not limited to, inspecting and copying records, collecting samples, and verifying data.

105. Nothing in this Order shall be construed to limit EPA's right of access, entry, inspection, and information gathering pursuant to applicable law, including but not limited to RCRA, CERCLA or any other statutory authority.

106. Access Agreements. Where action under this Order is to be performed in areas in possession of someone other than Respondents, Respondents shall use their best efforts to obtain all necessary access agreements within forty-five (45) days of approval of any Work Plan for which access is necessary or as otherwise specified, in writing, by the EPA Project Coordinator. Any such access agreement shall provide for access by EPA and its representatives to move freely in order to conduct actions that EPA determines to be necessary. The access agreement shall specify that Respondents is not EPA's representative with respect to any liabilities associated with activities to be performed. Respondents shall provide EPA's Project Coordinator with copies of any access agreements. Respondents shall immediately notify EPA if after using Respondents' best efforts it is unable to obtain such agreements within the time required. Best efforts as used in this paragraph shall include, at a minimum, a certified letter from Respondents to the present owner of such property requesting access agreements to permit Respondents, EPA, and EPA's authorized representatives to enter such property, and the offer of payment of reasonable sums of money in consideration of granting access. Respondents shall, within ten (10) days of their receipt of a denial of access, submit to EPA in writing, a description of its efforts to obtain access. EPA may, at its discretion, assist Respondents in obtaining access. In the event EPA obtains access, Respondents shall undertake the Work on such property and Respondents shall reimburse EPA for all costs and attorney fees incurred by the United States in obtaining such access.

XVIII. EFFECTIVE DATE AND COMPUTATION OF TIME

107. This Order shall become effective four (4) business days from the date this Order is filed. All times for performance of ordered activities shall be calculated from this effective date as documented by the file time/date stamp on the first page of this Order.

108. "Day" shall mean a calendar day unless expressly stated otherwise.

XIX. ADMINISTRATIVE DOCUMENTATION AND RECORD

109. EPA retains the responsibility for the issuance of any decision documents related to the Facility.

110. EPA will provide Respondents with copies of all decision documents for the Facility.

111. The EPA has established an Administrative Record which contains the documents that form the basis for the issuance of this Order. It is available for review by appointment weekdays between the hours of 8:30 a.m. and 4:00 p.m. at the offices of EPA Region 7, located at 901 North 5th Street, Kansas City, Kansas, 66101. To review the Administrative Record, please contact EPA's representative identified in paragraph 64 above.

XX. OTHER CLAIMS

112. By issuance of this Order, the United States and EPA assume no liability for injuries or damages to persons or property resulting from any acts or omissions of Respondents. The United States or EPA will not be deemed a party to any contract, agreement or other arrangement entered into by Respondent or their officers, directors, employees, agents, successors, assigns, heirs, trustees, receivers, contractors, or consultants in carrying out actions pursuant to this Order.

113. Respondents shall bear their own litigation costs and attorneys fees.

XXI. INDEMNIFICATION

114. Respondents shall indemnify, save and hold harmless the United States, its officials, agents, contractors, employees, and representatives from any and all claims or causes of action: (a) arising from, or on account of, acts or omissions of Respondents, Respondents' directors, officers, employees, agents, successors, assigns, heirs, trustees, receivers, contractors, or consultants in carrying out actions pursuant to this Order; and (b) for damages or reimbursement arising from or on account of any contract, agreement, or arrangement between Respondents and any persons for performance of the Work on or relating to the Site, including claims on account of construction delays.

XXII. MODIFICATION AND TERMINATION

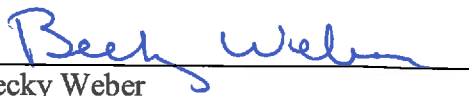
115. EPA may modify or revoke this Order based upon information discovered during the course of implementation of the Order. Modifications to any plan, deadline, or schedule, may be made in writing by the EPA representative or at EPA representative's oral direction. If an EPA representative makes an oral modification, it will be memorialized in writing within fourteen (14) days; provided, however, that the effective date of the modification shall be the date of the EPA representative's oral direction. The rest of the Order, or any other portion of the Order, may only be modified in writing by signature of the appropriate Division Director pursuant to this paragraph.

116. The provisions of this Order shall remain in full force and effect until all actions required by this Order have been completed and EPA has notified the Respondents, in writing, that the actions required by this Order have been completed. Respondents shall notify EPA in writing at such time as it believes that all such actions have been completed. EPA shall have

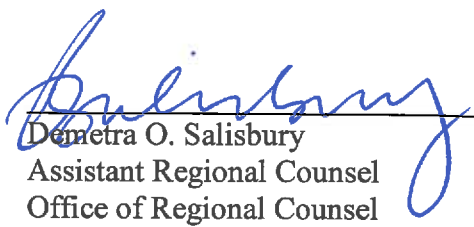
sole discretion in determining whether or not all such actions have in fact been completed.

Failure to complete all activities required hereunder as directed by EPA shall be deemed a violation of this Order. EPA's provision of written notice to Respondents pursuant to this paragraph shall not be construed as a waiver of any of EPA's rights to take further enforcement action under RCRA or any other laws.

IT IS SO ORDERED:



Becky Weber
Director
Air and Waste Management Division



Demetra O. Salisbury
Assistant Regional Counsel
Office of Regional Counsel

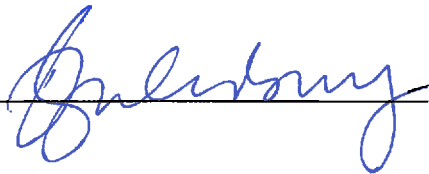
CERTIFICATE OF SERVICE

I certify that on the date note below I filed the original and one true and correct copy of the signed original Unilateral Administrative Order with the Regional Hearing Clerk, Region 7. I further certify that I sent by express mail, return receipt requested, a true and correct copy of the signed original Unilateral Administrative Order to:

Mr. Richard J. Delp
Registered Agent
Cedar Valley Electroplating, L.L.C., and
R Squared Properties, L.L.C.
7750 Beaver Hills Lane
Cedar Falls, Iowa 50163

I further certify that on the date noted below, I sent by certified mail, return receipt requested, a true and correct copy of the signed original Unilateral Administrative Order to the following representatives of the State of Iowa:

Mr. Bill Ehm, Administrator
Environmental Protection Division
Iowa Department of Natural Resources
Wallace Street Office Building
502 East 9th Street
Des Moines, IA 50319



3/6/2012
Date _____